

SECOND REGULAR SESSION

HOUSE BILL NO. 1322

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BLACK (Sponsor), McGHEE,
BROWN (50) AND OXFORD (Co-sponsors).

5225L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 559, RSMo, by adding thereto one new section relating to a mental health assessment pilot program.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 559, RSMo, is amended by adding thereto one new section, to be
2 known as section 559.117, to read as follows:

**559.117. 1. The director of the department of corrections is authorized to establish,
2 as a three-year pilot program, a mental health assessment process.**

**3 2. Only upon a motion filed by the prosecutor in a criminal case, the judge who is
4 hearing the criminal case in a participating county may request that an offender be placed
5 in the department of corrections for one hundred twenty days for a mental health
6 assessment and for treatment if it appears that the offender has a mental disorder or
7 mental illness such that the offender may qualify for probation including community
8 psychiatric rehabilitation (CPR) programs and such probation is appropriate and not
9 inconsistent with public safety. Before the judge rules upon the motion, the victim shall
10 be given notice of such motion and the opportunity to be heard. Upon recommendation
11 of the court, the department shall determine the offender's eligibility for the mental health
12 assessment process.**

**13 3. Following this assessment and treatment period, an assessment report shall be
14 sent to the sentencing court and the sentencing court may, if appropriate, release the
15 offender on probation. The offender shall be supervised on probation by a state probation**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 and parole officer, who shall work cooperatively with the department of mental health to
17 enroll eligible offenders in Community Psychiatric Rehabilitation (CPR) programs.

18 4. Notwithstanding any other provision of law, probation shall not be granted
19 under this section to offenders who:

20 (1) Have been convicted of murder in the second degree under section 565.021;

21 (2) Have been convicted of forcible rape under section 566.030;

22 (3) Have been convicted of statutory rape in the first degree under section 566.032;

23 (4) Have been convicted of forcible sodomy under section 566.060;

24 (5) Have been convicted of statutory sodomy in the first degree under section
25 566.062;

26 (6) Have been convicted of child molestation in the first degree under section
27 566.067 when classified as a class A felony;

28 (7) Have been found to be a predatory sexual offender under section 558.018; or

29 (8) Have been convicted of any offense for which there exists a statutory prohibition
30 against either probation or parole.

31 5. At the end of the three-year pilot, the director of the department of corrections
32 and the director of the department of mental health shall jointly submit recommendations
33 to the governor and to the general assembly by December 31, 2015, on whether to expand
34 the process statewide.

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